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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,939	05/09/2006	Hirokazu So	0074/061001	8320
7590 Randolph A Smith Smith Patent Office Suite 901 1901 Pennsylvania Ave N W Washington, DC 20006-3433			EXAMINER KELLY, RAFFERTY D	
			ART UNIT 2876	PAPER NUMBER
			MAIL DATE 07/03/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/559,939

Applicant(s)

SO ET AL.

Examiner

RAFFERTY KELLY

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8, 10, 11 and 14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-4, 8, 10, 11 and 14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)
- Paper No(s)/Mail Date 20051208
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Objections

Claim 11 is objected to because of the following informalities: “retracting” and “backing” the selector is unclear. Using the standard definitions of these words, examiner is unable to understand what the applicant is trying to claim. In the context, the words do not seem to make sense and more explanation or a different choice of words would be helpful. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 4, 8, 10, and 14 rejected under 35 U.S.C. 102(b) as being anticipated by Verbakel et al. (US 6370090).

Regarding claim 1, Verbakel et al. teaches a recording medium comprising: a content data storage area which stores at least one of content groups conforming to an identical form (126, 128, 130) (Fig. 5); a selector storage area which stores selector information for designating one of said content groups (124) (Col. 5 Lines 40 – 52); and a retrieved-information storage area which stores information including a record address needed when a data reproducing device extracts said content group and said selector information (124). TOC (124) stores a record address that is needed when TOC (124) and Content areas (126, 128, or 130) are accessed.

Regarding claim 2, Verbakel et al. teaches the recording medium according to claim 1, as shown above. Verbakel et al. further teaches wherein said selector storage area further stores a content data list as a list of each content data contained in each content group stored in said content data storage area (Col. 5 Lines 31-52).

Regarding claim 4, Verbakel et al. teaches the recording medium according to claim 1, as shown above. Verbakel et al. further teaches wherein each of the content groups stored in said content data storage area is stored in a form conforming to an SD-AUDIO specification (Col. 2 Lines 2-4). The data is stored on an optical disc and one of ordinary skill in the art would appreciate that data stored on an optical disc could also be stored in some sort of non-volatile flash memory.

Regarding claim 8, Verbakel et al. teaches a data reproducing device comprising: a slot into which a recording medium is inserted (Fig. 2); a selector acquiring section which acquires a selector from a selector storage area of said recording medium inserted into said slot (124) (Col. 5 Lines 40-52); a selector updating section which updates the selector acquired from said selector acquiring section, in conformity with a content group to be reproduced (Fig. 4) (Col. 5 Lines 40-52). The term "updates" is not well defined and as such it is unclear what exactly this means. Thus, merely accessing the data as taught by Verbakel et al. is being considered as "updating" the data. Verbakel et al. further teaches a content data acquiring section which acquires content data contained in each of content groups (126) from the content data storage area of said recording medium (Col. 5 Lines 40-43); and a content data reproducing section which reproduces the content data acquired by said content data acquiring section. The

word "reproducing" is quite broad and could be interpreted broadly, in this case accessing the data and providing it to the user is considered "reproducing" the data. Finally, the recording medium as claimed is taught by Verbakel et al., as shown above.

Regarding claim 10, Verbakel et al. teaches a data reproducing method for reproducing data stored in a content data storage area of a recording medium, includes the following steps of: writing information showing said content groups as a selector into said selector storage area (Col. 5 Lines 40-52); and extracting content data of each of the content groups selected by said selector from said content data storage area, and then reproducing the content data. As shown above, Verbakel et al. teaches accessing the content data and this could be interpreted as "reproducing" the data.

Regarding claim 14, Verbakel et al. teaches a data recording device comprising: a slot into which a recording medium is inserted (Fig. 2); a selector updating section which acquires a selector from a selector storage area of said recording medium inserted into said slot and, also, updates said selector in conformity with a content group to be recorded (Col. 5 Lines 40-52); a content data converting section which inputs content data and converts the inputted data into a content group including a file conforming to a specification of said recording medium (Fig. 4); a content data recording section which records data of the content group in the content data storage area of said recording medium (126, 128, and 130). Finally, Verbakel et al. teaches the recording medium, as shown in claim 1 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verbakel et al. in view of Stefik et al. (US 5634012).

Regarding claim 3, Verbakel et al. teaches the recording medium according to claim 1, as shown above.

Verbakel et al. lacks using a user identifier to identify the content data.

Stefik et al. teaches each of the content groups stored in said content data storage area is brought into one-to-one correspondence with a user identifier for identifying an individual user (704 – usage rights based on user identification), and said selector storage area stores said user identifier as the selector information (704) - part of selector includes said rights information (Fig. 7).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to link a user identification with content data because it is desirable to only allow certain users access to certain files, and linking user identifications to files can make this possible (Col. 4 Lines 2-11).

Regarding claim 11, Verbakel et al. teaches the data reproducing method according to claim 10, as shown above. The claim features that involve the "retracting" and "backing" of selector information are not being considered because it is unclear

what is being done during these steps. The words "retracting" and "backing" are quite broad and in the context of this invention, it is unknown what they mean. Verbakel et al. does teach the selector information and using the selector information, as shown above.

Verbakel et al. lacks reproducing only content data of a content group.

Stefik et al. teaches reproducing only content data of a content group corresponding to the given user identifier (only authorized users are allowed are allowed access to certain content) (105 - Fig. 1). Stefik et al. teaches each of the content groups stored in said content data storage area is brought into one-to-one correspondence with a user identifier for identifying an individual user (704 – usage rights based on user identification), and said selector storage area stores said user identifier as the selector information (704) - part of selector includes said rights information (Fig. 7).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to link a user identification with content data because it is desirable to only allow certain users access to certain files, and linking user identifications to files can make this possible (Col. 4 Lines 2-11).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAFFERTY KELLY whose telephone number is (571)270-5031. The examiner can normally be reached on Mon. - Fri. 800-1730 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. K./

Examiner, Art Unit 2876

6/30/08

/Michael G Lee/

Supervisory Patent Examiner, Art Unit 2876